



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

UNIVERSITY OF PENNSYLVANIA LAW REVIEW

AND

AMERICAN LAW REGISTER

VOLUME 63

1914-1915

PHILADELPHIA
THE LAW SCHOOL, UNIVERSITY OF PENNSYLVANIA
1915

Copyrighted, 1914,
By the
UNIVERSITY OF PENNSYLVANIA.

TABLE OF CONTENTS.

ARTICLES.

	Page.
ARE TITLES OF BOOKS COPYRIGHT?..... <i>Herbert A. Howell</i>	646
BASIS OF THE PROPERTY RIGHT IN TRADE MARKS IN BRAZIL, THE..... <i>Layton B. Register</i>	876
COMMON LAW RIGHT OF ACTION FOR OCCUPATIONAL DISEASE IN PENNSYLVANIA, THE <i>Francis H. Bohlen</i>	183
CRITICAL SURVEY OF CERTAIN PHASES OF TRIAL PROCEDURE IN CRIMINAL CASES, A <i>Howard A. Lehman</i>	
CONTINUANCES	609
CUSTODY AND RESTRAINT OF DEFENDANT.....	616
PRESENCE OF DEFENDANT	619
PRESENCE OF JUDGE	628
LOST INDICTMENT	632
SWEARING THE JURY	754
VIEW BY THE JURY.....	757
JURORS TAKING NOTES DURING TRIAL	765
WHAT THE JURY MAY TAKE WITH THEM ON RETIRING.....	767
SEPARATION AND MISCONDUCT OF JURY.....	773
DEDICATION OF STREETS IN PENNSYLVANIA <i>Roland R. Foulke</i>	247
DISCHARGE OF LIENS BY JUDICIAL SALE IN PENNSYLVANIA, THE..... <i>Albert S. Bolles</i>	490
ELIMINATING ARCHAIC FEATURES OF EXECUTION PROCESS IN PENNSYLVANIA <i>Shippen Lewis</i>	652
FEDERAL CONTROL OF INTRASTATE RAILROAD RATES <i>Henry Wolf Bickl�</i>	69
GERMAN FORWARDING AGENT, THE..... <i>Dr. Martin Isaac</i>	305
JUDICIAL ADMINISTRATION..... <i>Ezra Ripley Thayer</i>	585
JURISPRUDENCE OF THE WORKMEN'S COMPENSATION LAWS, THE..... <i>P. Tecumseh Sherman</i>	823
LAW AND EQUITY IN UPPER CANADA..... <i>John Delatre Falconbridge</i>	1
MAINTENANCE OF UNIFORM RESALE PRICES, THE..... <i>Charles L. Miller</i>	22
ORIGIN AND MONOPOLY RIGHTS OF ANCIENT FERRIES.. <i>Douglass D. Storey</i>	718
PUBLIC POLICY OF THE STATE OF PENNSYLVANIA, THE..... <i>Graham C. Woodward</i>	84
REDUCTION TO PRACTICE OF PATENTABLE INVENTIONS.. <i>William Macomber</i>	353
RIGHT OF A LAND OWNER TO OIL AND GAS IN HIS LAND, THE..... <i>John Stokes Adams</i>	471
SOME RESULTS OF THE PENNSYLVANIA PUBLIC SERVICE COMPANY LAW.. <i>C. LaRue Munson</i>	364
STUDIES IN ENGLISH CIVIL PROCEDURE..... <i>Samuel Rosenbaum</i>	
I. THE ATMOSPHERE	105
II. THE RULE-MAKING AUTHORITY.....	151, 273, 380, 505

	Page.
SUPPOSED CHAOS IN THE LAW OF NATIONS, THE.....	<i>T. Baty</i> 703
UNIFORM PARTNERSHIP ACT, THE.....	<i>James B. Lichtenberger</i> 639
UNIFORM PARTNERSHIP ACT, WITH SOME REMARKS ON OTHER UNIFORM COMMERCIAL LAWS	<i>Samuel Williston</i> 196

BOOK REVIEWS.

	Page
AMERICAN DOCTRINE OF JUDICIAL SUPREMACY, THE.....	
<i>Charles Grove Haines</i>	245
BARTOLUS ON THE CONFLICT OF LAWS.....	
<i>(Translated by Joseph Henry Beale)</i>	583
BOUVIER'S LAW DICTIONARY, THIRD REVISION.....	<i>Francis Rawle</i> 351
CASES ON CONSTITUTIONAL LAW.....	<i>James Parker Hall</i> 148
CHANGING ORDER, THE.....	<i>George W. Wickersham</i> 245
CONSTITUTIONAL LAW OF ENGLAND.....	<i>Edward Wavell Ridges</i> 818
CRIMINOLOGY.....	<i>Baron Raffaele Garofalo</i> 149
DOCTRINE OF JUDICIAL REVIEW, THE.....	<i>Edward S. Corwin</i> 467
ELEMENTARY TREATISE ON THE JURISDICTION AND PROCEDURE IN THE FEDERAL COURTS, AN	<i>John C. Rose</i> 583
ESSENTIALS OF THE LAW, VOLUME I. BLACKSTONE'S COMMENTARIES.....	
<i>(Edited by Marshall D. Ewell)</i>	914
EVIDENCE IN THE CASE, THE.....	<i>James M. Beck</i> 467
FORMAL BASES OF LAW, THE.....	<i>Giorgio del Vecchio</i>
<i>(Translated by John Lisle)</i>	818
GERMAN LEGISLATION FOR THE OCCUPIED TERRITORY OF BELGIUM.....	
<i>(Edited by Charles Henry Huberich and Alexander Nicol-Speyer)</i>	699
GOOD WILL, TRADE MARKS AND UNFAIR TRADING.....	<i>Edward S. Rogers</i> 819
HANDBOOK OF THE LAW OF MUNICIPAL CORPORATIONS..	<i>Roger W. Cooley</i> 467
HISTORY OF FRENCH PUBLIC LAW, A.....	<i>Jean Brissaud</i>
<i>(Translated by James W. Garner)</i>	584
INDIVIDUAL DELINQUENT, THE	<i>William Healy, M. D.</i> 700
JUSTICE AND THE MODERN LAW.....	<i>Everett V. Abbott</i> 150
LEGAL LORE OF THE BENCH AND BAR OF DELAWARE COUNTY.....	
<i>(Edited by Alexander B. Geary)</i>	67
LEGAL PRINCIPLES OF PUBLIC HEALTH ADMINISTRATION.....	
<i>Henry Bixby Hemenway, M. D.</i>	468
LIMITATIONS ON THE TREATY-MAKING POWER..	<i>Henry St. George Tucker</i> 820
LAW AND PRACTICE IN BANKRUPTCY UNDER THE NATIONAL BANKRUPTCY ACT OF 1898, THE (TENTH EDITION).....	<i>William Miller Collier</i> 701
LAW OF WILLS AND ADMINISTRATION OF ESTATES, THE.....	
<i>William P. Borland</i>	914
OUTLINES OF INTERNATIONAL LAW.....	<i>Charles H. Stockton</i> 351
PRICE ACT RELATING TO REAL ESTATE IN PENNSYLVANIA, THE.....	
<i>Roland R. Foulke</i>	469
PRINCIPLES OF CORPORATION LAW (SECOND EDITION)....	<i>Joseph C. France</i> 67
PROCEEDINGS OF THE ILLINOIS STATE BAR ASSOCIATION.....	
<i>(Edited by John F. Voigt)</i>	400
RECOLLECTIONS OF BENCH AND BAR.....	<i>Viscount Alverstone, G. C. M. G.</i> 915

	Page
REPORTS OF THE AMERICAN BAR ASSOCIATION, VOLUME XXXIX	
<i>(Edited by W. Thomas Kemp)</i>	701
RIGHTS AND REMEDIES OF CREDITORS RESPECTING THEIR DEBTOR'S PROP- ERTY	<i>Garrard Glenn</i> 821
SUPPLEMENT TO A TREATISE ON THE SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW, CONTAINING THE STATUTES AND JUDICIAL DECISIONS 1904-1914, A	<i>John Henry Wigmore</i> 916
TREATISE ON ATTORNEYS-AT-LAW, A.....	<i>Edward M. Thornton</i> 245
TREATISE ON THE LAW OF INCOME TAXATION, A (SECOND EDITION).....	
<i>Henry Campbell Black</i>	352
WORKMEN'S COMPENSATION AND STATE INSURANCE LAW.....	
<i>Harry B. Bradbury</i>	66

INDEX.

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

A. ACCORD AND SATISFACTION.

Compromise of disputed claims	230
Liquidated demand—Payment of less amount by third party	449

ADMIRALTY.

The Titanic—Limitation of liability	133
-------------------------------------	-----

ADVERSE POSSESSION.

Mistaken boundary	682
Municipal corporations	461
Purchase of outstanding title	801
Right of way	144

AGENCY.

Knowledge of agent—When imputed to principal	564
Liability of automobile owner for negligence of chauffeur furnished by third party	130
Liability of principal for over-officious servant	801
Ratification	143
Sale by agent to himself—Bona Fides	564

ANTI-TRUST ACT.

Combination in restraint of trade	315
-----------------------------------	-----

ATTORNEY AND CLIENT.

Conflicting employment	449
Disbarment—Non-Professional misconduct	49

AUSTRIA.

The Workmen's Compensation Law	860
--------------------------------	-----

AUTOMOBILES.

Liability of owner for negligence of chauffeur furnished by third party	130
---	-----

Unregistered automobile on highway—Negligence	60
Unregistered motor cycle on highway—Negligence	147
Violation of ordinance limiting speed	60

B.

BAILMENT.

Denial of title	144
Liability of inn-keeper—Trunk sent in advance of guest	336
Expenses—Ordinary and extraordinary repairs	565

BANKRUPTCY.

Landlord and tenant—Forfeiture	141
Sale of property by trustee—Dower interest of wife	214

BILLS AND NOTES.

Collateral security for antecedent debt	450
Corporations—Power of president to issue	684
Corporations—Power to act as accommodating endorser	39
Endorsement—Guarantee endorsed on note	229
Forgery—Doctrine of Price v. Neale	682
Holder in due course—Burden of proof	802
Intoxication of maker—Affirmance	336
Persons liable as makers	683
Usury	802
Usury as a defense	565

BREACH OF PROMISE TO MARRY.

What constitutes	450
------------------	-----

BOYCOTT.

When legal	113
Contracts—Conspiracy	51

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

BRAZIL.			
Property rights in trade-			Deprivation of liberty 229
marks	876		Eugenics marriage law—
			Police power 136
C.			Former jeopardy—Same
CARRIERS.			offense 55
Act of God—Proximate			Freedom of contract—
cause	49		Labor union 566
Carriage of live stock—			Impairing contractual obli-
Burden of proof	451		gations—Revoking unex-
Discrimination—Extension			ercised franchises 452
of credit	430		Incrimination—Testimony
Discrimination—Rates	217		before Grand Jury 554
Discrimination—Supply of			Interstate commerce—Federal
cars	787		control of intrastate rail-
Duty to collect passenger			road rates 69
fares as filed in tariff	689		Interstate commerce—Webb-
The German forwarding			Kenyon Act 791
agent	305		Police power—Regulation and
Carriers' lien—Stoppage in			fixing of rates 119
transitu—The commercial			Right to trial by jury—
court	665		Judgment N. O. V. 58, 585
Limited liability—Baggage	337		Segregation ordinance 895
Loss of goods—No declara-			State regulation of railroad
tion of value	85		rates—Segregation 551
Passengers—Pass	49		
Federal control of intra-			CONTRACTS.
state railroad rates	69		Accord and satisfaction—
State regulation of railroad			Liquidated demand 449
rates—Segregation 551			Accord and satisfaction—
			Compromise of disputed
CHAMPERTY AND MAIN-			claim 230
TENANCE.			Breach of promise to marry—
Elements	797		What constitutes 450
CHARITIES.			Conflict of laws—What law
Erection of monument as a			governs 50
charity	226		Consideration 51, 567
Liability of charitable insti-			Consideration—Moral
tutions for torts 50			obligation 53
CONFLICT OF LAWS.			Conspiracy—Boycott 51
Contracts—What law			Covenants—Mistake of
governs 50			law 685
Extra-territorial effect of			Illegality 683
decree of divorce 438			Illegality—Relief 338
Torts—"Lord Campbell's			Infancy—Effect of knowledge
Act" 670			of guardian 452
CONSTITUTIONAL LAW.			Meeting of the minds 52
Application of the Seventh			Moral obligation 53
Amendment to cases under			Mutuality of obligation 338
Federal Employers'			Partial performance—Impossi-
Liability Act 116			bility of completion 135
Civil rights—Equal privi-			Release or covenant not
leges 908			to sue 794
Commerce clause—Restraint			Promise to answer for debt
upon commerce 433			of another 136, 230
			Promise to answer for debt of
			another—Mechanics'
			lien 339

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Rescission for fraud—		Adultery	686
Restitution	453	Adultery—Connivance of husband	686
Statute of frauds—Parole lease of realty	812	Assault—Excessive speed of automobile	803
Statute of frauds—Promise to answer for the debt of another	136, 230	Attempted suicide	133
Statute of frauds—Promise to answer for debt of another—Mechanics' lien	339	Burglary—What constitutes breaking	49
Third party's rights	53	Defences—Insanity	231
Waiver of defence of statute of limitations—Public policy	136	False pretenses—Worthless cheque	134

COPYRIGHT.

Abridgment of copyrighted books	898
Titles of books	646

CORPORATIONS.

Municipal corporations—Adverse possession	461
Municipal corporations—Liability for excavation near highway	464
Municipal corporations—Statutory liability for mob violence	814
Powers of president to issue negotiable paper	684
Power to act as accommodating endorser	39
Public service corporations—Liability of water company in case of fire	676
Public service corporations—Electric street lighting by municipality — Approval of Public Service Commission	578
Public service corporations—Municipal acquisition under charter terms	693
Public service corporations—Pennsylvania public service company law—Some results	364
Right of stockholder to inspect books	567
Similarity of names	54

COVENANTS.

Mistake of law	685
----------------	-----

CRIMINAL LAW.

Accomplice—What constitutes	55
Accomplices	685

Adultery	686
Adultery—Connivance of husband	686
Assault—Excessive speed of automobile	803
Attempted suicide	133
Burglary—What constitutes breaking	49
Defences—Insanity	231
False pretenses—Worthless cheque	134
Former jeopardy—Same offence	55
Homicide—Operation of automobile	320
Larceny—Ownership of property	56
Larceny—Mislaid property	908
Larceny—Oysters	56
Perjury—Sufficiency of evidence	134
Presumption of innocence—Insanity	340
Prostitution	803
Prostitution—Federal White Slave Act	326
Sale of intoxicating liquors—Social club	568

CRIMINAL PROCEDURE.

Conduct of prosecuting attorney	569
Continuances	609
Custody and restraint of defendant	616
Extradition—Sufficiency of papers	123, 454
Jurors—Taking notes during trial	765
Lost indictment	632
Misconduct of court—Absence of prejudice	231
Misconduct of jury	340
Misconduct of jury—Separation	773
Presence of judge	628
Presence of defendant	619
Right to appeal—Waiver by payment of fine	454
Swearing the jury	754
Variance	804
View by the jury	757
What the jury may take with them on retiring	767

D.

DAMAGES.

Excessive damages as grounds for new trial	806
--	-----

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Mental anguish—Delay in transmission of message	137, 569
Negligence—Fright	58
Trover and Conversion—Measure of damages	243
Penalty or liquidated damages	220

DECEDENT'S ESTATES.

Executors—Stock	804
-----------------	-----

DECEIT.

Fraud—Fiduciary relationship	559
Fraud—Investigation of Facts—Report	232
Fraud—Reliance on false representation	233

DEEDS.

Release or covenant not to sue	794
--------------------------------	-----

DESCENT.

Effect of murder by heir	435
--------------------------	-----

DIVORCE.

Extra-territorial effect of decree of divorce — Jurisdiction	438
--	-----

DOWER.

Protection of inchoate right	455
Sale of property by trustee in bankruptcy	214

E.

EASEMENTS.

Extent of right of owner of easement	463
Implied easements—Way by necessity	692

EMINENT DOMAIN.

New taking—Subway	687
-------------------	-----

EMPLOYERS' LIABILITY

ACTS.

See Workmen's Compensation Acts.	
----------------------------------	--

ENGLAND.

Civil procedure—The atmosphere	105
Civil procedure—The rule making authority	151, 273, 380, 505
The Workmen's Compensation Law	852

EQUITY.

Injunction—Criminal proceedings	574
Injunction—Libel	236
Injunction—Nuisance—Hospital	61
Injunction—Protection of inchoate right of dower	455
Injunction—Wrongful use of name and picture	805
Libel—Remedy	236
Rise of equity in Upper Canada	1
Specific performance—Consideration	242
Specific performance—Contract not to alter will	811
Specific performance—Mutuality	903
Specific performance—Real estate—Doubtful title	811
Specific performance—Refusal of wife to join in deed	346

EVIDENCE.

Admissibility in a civil suit of testimony given at a previous criminal trial	556
Admissions—Parties jointly interested	456
Admissions—Silence	233
Ancient documents—Suspicious circumstances	570
Confessions—Voluntary character	570
Disclosure to and examination by physician—Statutory protection to patient—Waiver of privilege	571
Declarations against interest	908, 909
Dying declarations	57, 234
Error in ruling on evidence as basis for new trial	603
Finger prints—Photographic reproductions	909
Hospital records	137

References in plain type are to **RECENT CASES**, in heavy type to **NOTES**, and in italicized type to **ARTICLES**.

Judicial notice—Local option election	688
Other offences	138, 910
Other offences—Bribery	341
Parol evidence rule	688
Physical examination of person injured	341, 911
Presumptions	689
Presumptions—Character	572
Presumptions—Death after absence	235
Presumptions—Holder in due course	802
Presumptions—Undue influence	342
Prior and subsequent acts	235
Privileged communications—Physicians	911
Res Gestae	139, 342
Statement in presence of accused	343
Trailing by blood-hounds	42
Value of land—Other sales of similar property	456

EXECUTORS AND ADMINISTRATORS.

Liability for depreciation of stock	804
-------------------------------------	-----

F.

FALSE IMPRISONMENT.

Detention in coal mine	573
When process protects officer	457

FEDERAL EMPLOYERS' LIABILITY ACT.

Action for benefit of non-resident alien	573
"Dependent"	457
When is servant engaged in interstate commerce	458, 900

FERRIES.

Interstate commerce—State regulation	127
Origin and monopoly rights of ancient ferries	718

FOREIGN LAW.

Austria—The Workmen's Compensation Law	860
Brazil—Property rights in trade-marks	876

Canada—Law and equity in Upper Canada	<i>I</i>
England—The British Workmen's Compensation Law	852
England—Civil procedure—The atmosphere	105
England—Civil procedure—The rule-making authority	151, 273, 380, 505
France—The Workmen's Compensation Law	841
Germany—The German forwarding agent	305
Germany—The Workmen's Compensation Law	855
The jurisprudence of the Workmen's Compensation Laws	823

FRANCE.

The Workmen's Compensation Law	841
--------------------------------	-----

FRAUD AND DECEIT.

Fiduciary relationship—Derry v. Peek criticised	559
Investigation of facts—Report	232
Reliance on false representation	233

FRAUDULENT CONVEYANCES.

Husband and wife	805
Subsequent purchasers	574

G.

GERMANY.

The German forwarding agent	305
The Workmen's Compensation Law	855

GIFTS.

Child as subject of gift	140
Choses in action	345
Husband and wife—Community property	810

H.

HABEAS CORPUS.

Power of court to summon jury	912
-------------------------------	-----

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

HUSBAND AND WIFE.

Annulment of marriage—	
Fraud concerning health	460
Community property—	
Gifts	810
Fraud on marital rights	44
Fraudulent conveyance	805
Marriage—Evidence	690

I.

INFANTS.

Infant trespasser—	
Negligence	691
Liability for fraudulent	
misrepresentation of age	323
Contracts—Effect of	
knowledge of guardian	452

INJUNCTION.

Criminal proceeding	574
Libel	236
Nuisance—Hospital	61
Protection of inchoate right	
of dower	455
Wrongful use of name and	
picture	805

INTERNATIONAL LAW.

The supposed chaos in the	
law of nations	703

INTERSTATE COMMERCE.

Anti-Trust Act—Combination	
in restraint of trade	315
Discrimination—Extension of	
credit	430
Discrimination—Rates	217
Discrimination—Supply of	
cars—Jurisdiction	787
Duty of carrier to collect	
passenger fares as filed in	
tariff	689
Federal control of intrastate	
railroad rates	69
Federal Employers' Liability	
Act—Action for benefit of	
non-resident alien	573
Federal Employers' Liability	
Act—"Dependent"	457
Federal Employers' Liability	
Act—When is servant	
engaged in interstate	
commerce	458, 900
Loss of goods—No declaration	
of value	85

Maintenance of uniform	
resale prices	22
Prostitution—White Slave	
Act	326
Recovery for overcharges—	
Jurisdiction	343
Restraint upon interstate	
commerce	433
State regulation—Ferries	127
Subjects of interstate	
commerce—Stocks and	
bonds	344
Webb Kenyon Act—	
Constitutionality	791

J.

JUDGMENT.

Res adjudicata	140
----------------	-----

JURORS.

Challenges	141
Misconduct of jury	340
Misconduct—Separation	773
Misconduct—Unauthorized	
view	57
Swearing the jury	754
Taking notes during trial	765
View by the jury	757
What the jury may take with	
them on retiring	767

JURY.

Power of court to summon in	
habeas corpus	911
Right to trial by jury—	
Judgment N. O. V.	58, 585

L.

LANDLORD AND TENANT.

Defective steps—Liability for	
injury	806
Destruction of premises	912
Forfeiture—Bankruptcy	141

LAW OF NATIONS.

See International Law.

LAW SCHOOL.

Death of John Lisle	895
The new academic year	893
The order of the coil—	
Elections	665

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

LEGAL ETHICS.

Attorney and client—	
Conflicting employment	449
Champerty and Maintenance—	
Elements	797
Non-professional misconduct	49

LIBEL.

Elements—Conditional privilege	575
Portraits—Good faith	690
Remedy in equity	236

LICENSES.

Necessity under Pennsylvania liquor laws	673
Revocable or irrevocable—	
theatre tickets	223

M.**MALICIOUS PROSECUTION.**

Elements	237
Want of probable cause—	
Advice of counsel	459

MANDAMUS.

Right of stockholder to inspect books of corporation	567
Right to issuance of writ	575

MARRIAGE.

Annulment—Fraud concerning health	460
Evidence—Intent	690

MASTER AND SERVANT.

Contributory negligence—	
Choice of ways	691
Liability of automobile owner for negligence of chauffeur furnished by third person	130
Test for vice principal	142

MINES AND MINING.

Detention in mine—False imprisonment	573
Mine ore—Personalty or realty	62
The right of a land owner to the oil and gas in his land	471

MUNICIPAL CORPORATIONS.

Adverse possession	461
--------------------	-----

Liability for excavation near highway	464
Statutory liability for mob violence	814

N.**NAMES.**

Corporations—Similarity	54
Requisites	576

NEGLIGENCE.

Child trespasser	691
Contributory negligence—	
Burden of proof	237
Damages—Fright	58
Imputed negligence	62
The doctrine of the "Last Clear Chance"	462
Liability of automobile owner for negligence of chauffeur	130
Liability of landlord for defective steps	806
Liability of water company in case of fire	676
Proximate cause—Act of God	49
"Res Ipsa Loquitur"	59
Theatre—Defective guard rail	142
Unregistered automobile on highway	60
Unregistered motorcycle on highway	147
Violation of ordinance limiting speed	60

NEW TRIAL.

Excessive damages	806
Misconduct of counsel—	
Allusion to insurance	807
Separation of issues	808

NUISANCE.

Blasting	692
Hospital	61
Keeping explosives	576
Stable	238

P.**PARTIES.**

Alien enemy	808
Seduction—Who entitled to sue	240

PARTNERSHIP.

Liability in tort of person held out as partner	462
---	-----

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

- | | |
|---|---|
| <p>The uniform partnership act 639</p> <p>The uniform partnership act—
With some remarks on other
uniform commercial laws 196</p> <p>PATENTS.</p> <p>Reduction to practice of
patentable inventions 353</p> <p>PENNSYLVANIA.</p> <p>The common law right of
action for occupational
disease 183</p> <p>Dedication of streets 247</p> <p>The discharge of liens by
judicial sale 490</p> <p>Eliminating archaic features of
execution process 652</p> <p>Liquor laws—Retail
licenses 673</p> <p>Public policy 84</p> <p>Public Service Company Law
—Municipal acquisition of
water company 693</p> <p>Public Service Company Law
—Municipal electric street
lighting 578</p> <p>Public Service Company Law
—Some results 364</p> <p>Uniform partnership act 639</p> <p>PLEADING.</p> <p>Amendment—Discretion 61</p> <p>Misspelling 808</p> <p>Objection to evidence on
ground of insufficient
statement 345</p> <p>Res judicata 238</p> <p>PRACTICE.</p> <p>The discharge of liens by
judicial sale in
Pennsylvania 490</p> <p>Eliminating archaic features of
execution process in
Pennsylvania 652</p> <p>PRINCIPAL AND AGENT.</p> <p>See Agency.</p> <p>PRINCIPAL AND SURETY.</p> <p>See Suretyship.</p> <p>PROCEDURE.</p> <p>The Commercial Court 665</p> | <p>Account stated 577</p> <p>English civil procedure—The
atmosphere 105</p> <p>English civil procedure—The
rule-making authority 151, 273, 380, 505</p> <p>Executions—Trust estate 143</p> <p>Holding court on Sunday 812</p> <p>Judicial administration 585</p> <p>Parties—Alien enemy 808</p> <p>Writ of prohibition—
Issuance 809</p> <p>PROHIBITION.</p> <p>Issuance of writ 809</p> <p>PROPERTY.</p> <p>Adverse possession—Mistaken
boundary 682</p> <p>Adverse possession—Municipal
corporations 461</p> <p>Adverse possession—Purchase
of outstanding title 801</p> <p>Adverse possession—Right of
way 144</p> <p>Bailment—Denial of title 144</p> <p>Bailment—Liability of inn-
keeper for trunk sent in ad-
vance of guest 336</p> <p>Bailment—Liability for
repairs 565</p> <p>Dedication of streets in
Pennsylvania 247</p> <p>Easements—Extent of right of
owner of easement 463</p> <p>Fixtures—Temporary
structure 239</p> <p>Fraudulent conveyances—
Husband and wife 805</p> <p>Fraudulent conveyances—
Subsequent purchasers 574</p> <p>Gifts—Child as subject of
gift 140</p> <p>Gifts—Community property of
husband and wife 810</p> <p>Gifts—Choses in action 345</p> <p>Highways—Abandonment 912</p> <p>Implied easements—Way by
necessity 692</p> <p>Liens—Discharge by judicial
sale in Pennsylvania 490</p> <p>Mine ore—Personalty or
realty 62</p> <p>Property rights in trade mark
in Brazil 876</p> <p>Religious societies—Title 695</p> <p>The right of a land owner to</p> |
|---|---|

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

oil and gas in his land	471
Right of way—Gate	578
Stock exchange seat	693
Waters—Right to protect against flood waters	678
Waters—Surface water	63

PUBLIC POLICY.

The public policy of Pennsylvania	84
-----------------------------------	----

PUBLIC SERVICE CORPORATIONS.

Electric street lighting by municipality—Approval of Public Service Commission	578
Pennsylvania Public Service Company law—Some results	364
Water companies—Municipal acquisition under charter terms	693
Liability of water company in case of fire	676

Q.

QUASI CONTRACTS.

Recovery for part performance—Plaintiff in default	694
--	-----

R.

RAILROADS.

Carriage of live stock—Burden of proof	451
Discrimination—Extension of credit	430
Discrimination—Rates	217
Discrimination—Supply of cars	787
Duty to collect passenger fares as filed in tariff	689
Interstate commerce—Federal control of intrastate railroad rates	69
Interstate commerce—Loss of goods—No declaration of value	85
Limited liability—Baggage	337
Passengers—Pass	49
Rates—Federal control of intrastate rates	69
Rates—State regulation—Segregation	551

RATES.

Discrimination by carrier	217
Duty of carrier to collect passenger fares as filed in tariff	689
Interstate commerce—Federal control of intrastate rates	69
Regulation in fixing	119
State regulation of ferries	127
State regulation of railroad rates—Segregation	551

RELIGIOUS SOCIETIES.

Property—Title	695
----------------	-----

S.

SALES.

Appropriations	562
Breach of warranty—Waiver	239
Carrier's lien—Stoppage in transitu	665
Cash sale—Failure to receive cash on delivery of goods	240
Conditional sale—Remedies of seller—Election	695
"Exchange" distinguished from "sale"	913
Nature of the right of inspection	329
Rights of bona fide purchasers	810
Warranty—Effect of description	145

SCHOOLS.

Dismissal of teacher—What is neglect of duty	241
--	-----

SEDUCTION.

Who entitled to sue	240
---------------------	-----

SPECIFIC PERFORMANCE.

Consideration—Adequacy	242
Contract not to alter will	811
Mutuality	903
Real estate—Doubtful title	811
Refusal of wife to join in	346

STATUTE OF FRAUDS.

Constructive trusts	815
Lease of realty	812
Promise to answer for debt of another	136, 230

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

- Promise to answer for debt
of another—Mechanics'
lien 339
Trusts arising by operation
of law 580

STATUTE OF LIMITATIONS.

- Waiver of as defense to con-
tract claim—Public policy 136

STATUTES.

- Conflict of laws—"Lord
Campbell's Act" 670
Federal judicial code—Appeals
in the Supreme Court of the
United States—When the
federal right is affirmed 459
Municipal corporations—Lia-
bility for mob violence 814
Pennsylvania—Liquor laws—
Retail license—Necessity 673
Pennsylvania public service
company law—Approval of
Public Service Commis-
sion 578
Pennsylvania public service
company law—Some
results 364
Pennsylvania public service
company law—Water com-
panies 693
Segregation ordinance—
Constitutionality 895
Statute of frauds—Construc-
tive trust 815
Statute of frauds—Lease of
realty 812
Statute of frauds—Promise to
answer for debt of
another 136, 230
Statute of frauds—Promise to
answer for debt of another—
Mechanics' lien 339
Statute of frauds—Trusts aris-
ing by operation of law 580
Statutes of limitations—
Waiver of—Public policy 136
The Uniform Partnership
Act 639
The Uniform Partnership Act,
with some remarks on other
uniform commercial laws 196
Violation of ordinance limiting
speed—Negligence 60
Webb-Kenyon Act—Con-
stitutionality 791

SUNDAY.

- Holding court on Sunday 812

SURETYSHIP.

- Judgment against principal—
Res Judicata 346

T.

TELEGRAPH COMPANIES.

- Delay in transmission of
message—Damages 137, 569
Delivery of forged telegram—
Liability to addressee 243

THEATRES.

- Defective guard rail—
Negligence 142
Tickets—Revocable or
irrevocable 223

TORTS.

- Act of God—Proximate
cause 49
Boycott—When legal 113
The common law right of
action for occupational dis-
ease in Pennsylvania 183
Conflict of laws—"Lord
Campbell's Act" 670
Contributory Negligence—
Burden of proof 237
Damages—Fright 58
Duty of owner of vicious
domestic animal 146, 463
False imprisonment—Deten-
tion in coal mine 573
False imprisonment—When
process protects officer 457
Fraud and deceit—Fiduciary
relationship 559
Fraud and deceit—Reliance
on false representation 233
Fraud and deceit—Report 232
Imputed negligence 62
Injury to trespassing
animals 814
Interference with employ-
ment 579
"Last clear chance" 462
Liability for runaway team 347
Liability for vicious dog kept
on premises 145
Liability for vicious domestic
animals 146, 463

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Liability of charitable institutions	50
Liability of municipality for excavation near highway	464
Liability of person held out as partner	462
Liability of water company in case of fire	676
Libel—Conditional privilege	575
Libel—Portraits	690
Libel—Remedy in equity	236
Malicious prosecution—elements	237
Malicious prosecution—Want of probable cause	459
Master and servant—Contributory negligence	691
Master and servant—Test for vice principal	142
Negligence—Child trespasser	691
Negligence—Liability of landlord for defective steps	806
Negligence—"Res Ipsa Loquitur"	59
Negligence—Unregistered automobile on highway	60
Negligence—Unregistered motor cycle on highway	147
Negligence—Violation of ordinance limiting speed	60
Nuisance—Blasting	692
Nuisance—Hospital	61
Nuisance—Keeping explosives	576
Nuisance—Stable	238
Proximate and remote cause—Intervening acts of a third person	442
Rule in Rylands v. Fletcher—Explosives	347
Rule in Rylands v. Fletcher—Water mains	348
Seduction—Who entitled to sue	240
Statutory liability of municipality for mob violence	814
Trover and Conversion—Elements	813
Trover and Conversion—Measure of damages	243
Unregistered automobile on highway	60
Unregistered motor cycle on highway	147

TRADE-MARKS.

Property rights in trade-marks in Brazil	876
--	-----

TRADE NAMES.

Names of celebrated men	813
-------------------------	-----

TROVER AND CONVERSION.

Elements	813
Measure of damages	243

TRUSTS.

Constructive trusts	815
Constructive trusts—Statute of frauds	580
Creation—Precatory words	348
Designation of attorney	464
Enforcement—Lapse of time	349
Erection of monument as a charity	226
Ownership of proceeds of draft	816
Precatory words—Absolute gift	63
Resulting trust	696
Revocation	816
Statute of frauds—Trusts arising by operation of law	580
Tentative trusts—Deposit in bank	349
Termination—Purpose accomplished	244

V.**VENDOR AND PURCHASER.**

Conveyance to third parties subject to option	244
---	-----

W.**WATERS.**

Right to protect against flood waters—Urban property	678
Surface water	63

WILLS.

Construction—"Children"	696
Dependent relative revocation	46
Descent—Effect of murder by heir	435
Designation of attorney—Gift	464
Implication of cross-remainders	697

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Omission of defamatory words		efit of non-resident	
from probate	581	alien	573
Revocation—Cancellation	697	Federal Act—"Dependent"	457
Rule in Shelley's Case	64	Federal Act—When is servant	
		engaged in interstate	
		commerce	458, 900
WORKMEN'S COMPENSA-		Injury from violence of third	
TION ACTS.		person	581
Application of the Seventh		Injury occurring "In the	
Amendment of the Consti-		course of" and arising "out	
tution	116	of" the employment	350
The common law right of		The jurisprudence of the	
action for occupational dis-		Workmen's Compensation	
ease in Pennsylvania	183	Laws	823
Federal Act—Action for ben-		Occupational disease	147